

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JAMES E. JOHNSON, BRUCE MOORE and)	
CHRISTOPHER RAY,)	
)	
Plaintiffs,)	
)	
vs.)	No. 04-0963-CV-W-2-FJG
)	
UNITED STATES BEEF CORPORATION,)	
)	
Defendant.)	

ORDER

Currently pending before the Court is defendant's Motion to Strike Plaintiffs' Suggestions in Opposition to Defendant's Motion for Summary Judgment (Doc. # 117). Plaintiffs' Suggestions in Opposition to Defendant's Motion for Summary Judgment were originally due at 4:00 p.m. on June 26, 2006. Shortly before the deadline, counsel for plaintiff contacted the Court and requested a twenty-four hour extension. Plaintiff filed a Motion for Extension of Time which was granted the next day. On June 27, 2006, plaintiff's counsel again requested a second twenty-four hour extension of time. In her second motion for an extension of time, plaintiff's counsel stated that she "intended to file the existing Motion so the Court is aware of how close the completion is. In making this request, Counsel simply asks to supplement or replace the document filed today with the final version of the Plaintiffs Suggestion in Opposition. The chief difference between the two anticipated responses have to do with supplying citations to each respective fact identified by both Plaintiffs and Defendant in their respective Fact Section of their brief." (Plaintiff's Second Motion for Extension of Time, Doc. # 114).

On June 27, 2006, plaintiff filed Suggestions in Opposition, however the Suggestions contained numerous blank spaces and several statements of fact had not been responded to. On June 28, 2006, plaintiff then filed another pleading entitled Suggestions in Opposition. This second pleading contained slightly more information, but also still contained many blank references to documents or exhibits and many of plaintiff's statement of facts contained no supporting reference at all. Defendant argues that it has been unfairly prejudiced and hampered in filing its Reply Suggestions due to the incomplete nature of plaintiffs' Suggestions in Opposition. Additionally, defendant argues they still do not have a copy of plaintiff's exhibits.

Before ruling on Defendant's Motion to Strike plaintiffs' Suggestions in Opposition, the Court would like plaintiff to provide a more detailed explanation indicating why the Suggestions in Opposition could not be filed on or before the deadline. Plaintiff's counsel shall also provide to the Court in camera a note from her physician outlining her medical condition and the date the surgery was performed. Plaintiffs' counsel shall file her response to Defendant's Motion to Strike on or before Wednesday July 12, 2006. Plaintiff shall also provide to the Court her physician's statement, on or before July 12, 2006. The Court will establish a deadline for defendant's Reply Suggestions after ruling on the Motion to Strike.

Date: July 10, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN JR.
Fernando J. Gaitan Jr.
United States District Judge